

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF ILLINOIS, for and in
behalf of the People of the State of Illinois,

Petitioner,

vs.

BNSF RAILWAY COMPANY, f/k/a
BURLINGTON NORTHERN SANTA FE
RAILWAY COMPANY,

Respondent.

Petition for approval of the taking or damaging of
certain properties in Hancock County, Illinois by
exercising the right of eminent domain.

Parcel No. 6174103TE

No. T-07-0055

PETITIONER'S RESPONSE TO RESPONDENT'S MOTION TO CONTINUE

NOW COMES THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF
ILLINOIS, Petitioner, by LISA MADIGAN, Attorney General and STANLEY L. MORRIS,
Special Assistant Attorney General, and for its Response to the Respondent's Motion to
Continue hearing set for August 28, 2007 to September 27, 2007 states:

1. On July 23, 2007, Petitioner filed a Petition for Approval to Take Property which
property consists of 0.216 acres needed for a temporary easement for construction purposes on a
project, as described in the Petition, in Hancock County, Illinois.

2. The project is on a November, 2007, letting schedule and time is of the essence if that
schedule is to be met.

3. If the scheduled August 28, 2007 hearing is continued to September 27, 2007, it is extremely likely that, because of the schedules of the administrative law Judge and the Commission, that an Order, assuming the Order is granted, can be entered in sufficient time to permit a quick take proceeding in the Hancock County circuit court to meet the letting schedule.

4. Continuance of the August 28, 2007 hearing will be detrimental to the construction, operation and maintenance of Illinois Route 9/96 and to the Illinois Motorist Public.

WHEREFORE, Petitioner prays that Respondent's Motion to Continue be denied.

THE DEPARTMENT OF TRANSPORTATION,
STATE OF ILLINOIS, Petitioner

LISA MADIGAN, ATTORNEY GENERAL

By: s/Stanley L. Morris

Stanley L. Morris

Special Assistant Attorney General

Stanley L. Morris
Special Assistant Attorney General
205 South Fifth Street, Suite 900
Springfield, IL 62701
Telephone: (217) 753-1133

PROOF OF SERVICE

The undersigned certifies that on August 22, 2007, a copy of the foregoing document was served via Court's Electronic Filing System to all parties listed below:

Burlington Northern & Santa Fe Railway Company
c/o Staubach Company
Attn: Yvonne Worsham
3017 Lou Menk Drive, Suite 100
Ft. Worth, TX 76131

BNSF Railway Company,
f/k/a Burlington Northern Santa Fe Railway Company
c/o Michael Sazdanoff, Registered Agent
Kenneth J. Wysoglad & Associates
118 South Clinton Street, Suite 700
Chicago, IL 60661

Mr. Robert Prendergast
Daley & Mohan
150 North Wacker Drive, Suite 1550
Chicago, IL 60606

Mr. Henry Humphries
Illinois Commerce Commission
527 East Capitol Avenue, 6th Floor
Springfield, IL 62701

ALJ Dean Jackson
Illinois Commerce Commission
527 East Capitol Avenue, 6th Floor
Springfield, IL 62701

s/Stanley L. Morris